



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: April 1, 2015
To: Robert Best, Chairman, & Members, Planning Board
From: Jillian M. Harris, AICP, Planning & Zoning Administrator
Subject: **Button Homes, LLC. (applicant) and Donna Kazmirschuk (owner)** – Review for acceptance and consideration of Final Approval for a minor subdivision of one lot into two single-family residential lots located at 71 Bedford Road in the R (Residential) and Aquifer Conservation Districts. Tax Map 6D, Lot 090.

Background: The subject property is an approximately 2.6 acre parcel located at 71 Bedford Road in the R-4 (Residential) District with an existing single family residence and two accessory structures. The property is currently serviced by municipal water (MVD) and sewer.

The applicant proposes to subdivide the existing lot into two single family house lots. According to the project narrative, the existing single family residence and accessory structures are to remain on a 0.932 acre lot with 180.99 feet of frontage. The second lot will be 1.634 acres with 340.95 feet of frontage. The new lot will be serviced by municipal water and sewer by an easement (easement is pending) from the sewer line on the adjacent property.

According to the project drainage report, the three existing structures are to be eventually removed and replaced with a new single family residential home. The new lot is to be developed with a new single family residential home. Staff recommends clarification on whether the existing structures are to remain or to be removed.

The proposed lots meet the required R-4 (Residential) lot and yard regulations per Section 3.02 of the Zoning Ordinance. The two accessory structures on the existing lot, including a garage, fall within the 40' wetland building setback and 25' no-disturb wetland buffer and if they are to remain will require relief from the ZBA per Section 2.02.7.A.7(b) of the Zoning Ordinance.

Completeness: Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision.

Waivers: The applicant requests a sidewalk waiver per Section 4.06.1(r) of the Subdivision and Site Plan Regulations. Staff recommends a waiver or a determination under Section 4.07 that a sidewalk is not necessary.

Recommendation: Should the Board determine that any waivers are required for the subdivision, Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:36:

- Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or
- Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

The planning staff recommends that the Board grant conditional final approval to the application with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:

1. Final plans to be signed by the Applicant and Property Owner;
2. Any waivers granted shall be listed with the section number and date of approval on the Final Plan;
3. Applicant shall obtain a variance from the Zoning Board of Adjustment for structures to remain within the 25' no-disturb wetland buffer per Section 2.02.7.A.7(b) of the Zoning Ordinance (or remove the structures prior to issuance of any Building permits for the 2 lots);
4. Applicant shall address the following comments from the Department of Public Works:
 - a. The proposed sewer easement is on property owned by Bedford Road Baptist Church – the easement is not to be granted to the town as it serves to connect sewer service from the house;
 - b. In accordance with Section 4.18, bounds need to be installed at all appropriate points along Bedford Road;
 - c. Where the property line is less than 25' from the centerline of Bedford Road, a sight distance easement of 25' from Bedford Road centerline shall be granted to the Town;
 - d. In accordance with Section 4.12, the sight distance shown on the plans should be a minimum of 275' but 325' is desired;
5. Address any forthcoming comments from the Fire Department, including future addressing requirements;
6. Address any forthcoming comments from the Conservation Commission (as applicable);
7. Address planning staff technical comments. (Below)

Planning Staff Technical Comments

1. Applicant to add a note to the plan indicating which sheets are to be recorded at HCRD and that a full set is on file with the Community Development Department;
2. Applicant to clarify Note #6 on Sheet 1 to correct grammar and clarify intent.

Staff also recommends that the following general and subsequent conditions be placed on the approval:

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
2. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
3. Address the following comments from Merrimack Village District:
 - a. When the applicant is ready they need to come in and fill out the entrance application, pay their Entrance Fee and SDC charge, and we can schedule when to install the service.

Ec: Button Homes, LLC / Brian Button and Laurie DesRochers, Applicant
Donna Kazmirchuk, Owner
Earl Sanford, Land Surveyor
Carol Miner and Fred Kelly, Building Department
Kyle Fox, Deputy Director of Public Works/Town Engineer
John Manuele, Captain, Merrimack Fire Department
Loren Martin, Assessing Department

Cc: Planning Board File
Correspondence